THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL No.1046 of 2005

Date: 16-09-2005

Between:

Kota Satyanandam and others …Appellants

and

Regional Joint Commissioner, Endowments

Department, Kakinada and others …Respondents

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL No.1046 of 2005

J U D G M E N T (Per the Hon'ble Sri Bilal Nazki, ACJ)

This writ appeal is filed against the order of learned Single Judge vacating the interim suspension. While hearing this writ appeal, we called the writ petition also and with the consent of the learned counsel for the parties, we are disposing of the writ appeal.

The writ petition is filed against the order dated 09-11-2004 passed by the Regional Joint Commissioner, Endowments Department, Kakinada in Appeal No.82 of 2004. The Regional Joint Commissioner passed an order following an order of this Court in Writ Appeal No.1302 of 2003 and by a typographical mistake, he has mentioned

in his order that he was following the order passed by this Court in W.P.No.1302 of 2003 dated 05-08-2003. This Court in the writ appeal held that the land occupied by the original lessee would be taken into consideration for the purpose of deciding whether a person is a landless poor or not. In the present case the writ petitioners, four in number, claim that they are small farmers and have lands less than Ac.5.00 each. The lands were not leased out to the writ petitioners, but the father of the writ petitioners had been leased out Ac.15.00 of land. Therefore, *prima facie*, we are of the view that the interim suspension could not have been continued and there is no illegality in the order passed by the learned Single Judge.

The writ appeal is accordingly dismissed. Let the writ petition come up for final hearing before the learned Single Judge. No order as to costs.

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(Bilal Nazki, ACJ)

16th September, 2005

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(R.Subhash Reddy,J)

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